

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
INVESTIGATION SUMMARY**

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| <b><i>CERTIFICATE<br/>HOLDER<br/>INFORMATION</i></b> | <b>Certificate Holder:</b>                                | Lisa Price                          |
|  | <b>Certification Number:</b>                              | 20120                               |
|  | <b>Business Name:</b>                                     | Entrust Fiduciary Services,<br>Inc. |
|  | <b>Certificate Number:</b>                                | 20545                               |
|  | <b>Type of Certificate/License:</b>                       | Fiduciary                           |
| <b><i>COMPLAINANT</i></b>                            | <b>Name:</b>  | William Schmidt                     |
| <b><i>INVESTIGATION<br/>INFORMATION</i></b>          | <b>Complaint Number:</b>                                  | 12-0004                             |
|  | <b>Investigator:</b>                                      | Kimberly Siddall<br>Hal White       |
|  | <b>Complaint Received:</b>                                | May 23, 2012                        |
|  | <b>Complaint Forwarded to the<br/>Certificate Holder:</b> | May 29, 2012                        |
|  | <b>Response From Certificate<br/>Holder Received:</b>     | July 29, 2012                       |
|  | <b>Report Date:</b>                                       | August 3, 2015                      |

The investigation of this complaint included the following:

- Written complaint and documentation submitted by complainant (“Schmidt”)
- Written response and documentation submitted by certificate holder Lisa Price (“Price”), is the principal of record for Entrust Fiduciary Services, Inc. (“EFS”)
- Correspondence from Rosa Parker, Adult Protective Services, employee
- Correspondence from Bruce Yancey, Court Appointed Attorney for Schmidt
- Review of applicable records in Superior Court in Yuma County probate case S1400GCC20100071, Matter of Guardianship and Conservatorship of William G. Schmidt
- Review of Certification and Licensing Division (“Division”) records
- Review of applicable sections of Arizona Revised Statutes (“ARS”), Arizona Codes of Judicial Administration (“ACJA”) § 7-201 and § 7-202, and Arizona Rules of Probate Procedure

**ALLEGATIONS ALLEGED BY COMPLAINANT:**

1. Adult Protective Services (“APS”) did not petition the court for guardianship or conservatorship as required by statute.
2. Prior to appointment Price spent 1.2 hours at nursing home with Schmidt’s wife Valerie Schmidt (“Valerie”) and charged the estate on itemized bill after appointment.
3. Price misused Schmidt’s finances and assets.
4. Abuse of power by Price.
5. Schmidt believes his deceased wife’s Valerie accounts were depleted before her death.

6. Price took two home computers from Schmidt's house and Schmidt's attorney, Amanda Taylor ("Taylor") asked for the 2 computers to be returned, no response from Price.
7. Price paid for Schmidt's license plate and registration, even though he is a disabled veteran.
8. Price paid pass due credit cards Schmidt owed on which were settled for a lesser amount.
9. Price paid for labor for landscaping that was never done.
10. Price did not pay Schmidt's bills for September, October, or November 2011.

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## **SUMMARY OF INVESTIGATION:**

Schmidt alleged Price misrepresented herself as an APS employee and that APS allowed Price to petition the court for guardianship and conservatorship. APS did not petition court as provided in statute.

Schmidt also alleges prior to court appointment; Price stole monies and took control of his deceased wife's bank account, depleted the account, misused his finances and assets.

Price denied any wrongdoing. Price supplied documentation regarding the matter with her written response.

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## **INVESTIGATION:**

On May 23, 2012, the Division received a written complaint against Price and EFS from Schmidt. The complaint states:

I was lead to believe after calling Adult Protective Services that Lisa Price, who is the owner of Entrust Fiduciary, was an employee of Adult Protective Services. I allowed her into my home and access to my dieing (sp) wife in a time of need and help to find out that it would end up controlling my life and assets without my prior knowledge. Adult Protective Services allowed Lisa Price to Petition the courts and put me under guardianship & conservatorship. If they felt that way from what I understand that is their job, as per ARS 46-452 P.A. line 5. Not only did Entrust Fiduciary steal my money, allowed to entrap me into guardianship, but also took control of my inherited and personal checking, savings and money market accounts months prior to getting court appointed to do so. I had to sell \$12,000.00 worth of guns I had just to come up with \$4000.00 in the sales of them to pay an attorney, without Lisa Price's knowledge, so I could get out from under her control and that is the only reason I got my life back and was able to write this letter. Applicable documents attached.

Schmidt asserted numerous allegations of what he believed to be abuse from EFS and Price and blatant misuse of his finances and assets. Schmidt provided partial court

documents related to his case number S1400GC201000071, bank statements, copy of A.R.S. §§ 14-5109, 46-452, and 46-456, a simplified financial schedule with more allegations, and Charge and Discharge Statement with Schedules prepared by Price.

On May 29, 2012, the Division sent Price a copy of the complaint along with a letter notifying her of the ACJA § 7-201(H)(3)(c) requirement she provide a written response within thirty (30) days. Division records reflect delivery of the mailing June 26, 2012.

On July 29, 2012, Price provided her written response to the complaint to the Division. Price also submitted relevant supporting documents referred to as “exhibits” regarding the issues which she believed are at the center of the complaint. Price states:

I am unable to determine the actual allegations contained in the complaint filed by William Schmidt (hereinafter “Bill”) but will attempt to address the issues I believe are at the center of the complaint to the best of my abilities.

Price provided as exhibits court documents for case number S1400GC201000071, event reports, email reports, phone reports, doctor report, letters from Price to Schmidt, bank statements, memorandum to Taylor, and Department of Veterans Affairs decision regarding Schmidt being competent to handle his VA benefits.

Price reported her office was contacted by APS after they had received a complaint that Valerie had been left lying on the living room floor. Price states:

My office was originally contacted by Adult Protective Services after they had received a complaint that Valerie Schmidt (hereinafter “Valerie”) had been left lying on the living room floor of her home for over a month while her husband, Bill, provided no medical care or assistance. The Adult Protective Services caseworker, Rosa Bash, reported to my office that she had made several attempts to make contact with Valerie and Bill only to later find out that both were in the home, heard her knocking and made no attempt to answer the door or call out to her for assistance. Eventually, Rosa called in law enforcement and medical personnel and requested a welfare check. At the time my office received the referral Valerie had already been removed from the home and was in the hospital.

During the course of the five hours that Rosa and I spent with Bill, we looked through his financial records and discussed the fact that none of his bills had been paid for months. His automobile loan and mortgage was not being paid. The only reason the utilities were still on is because Valerie had them set up for automatic payments.

***Allegation 1. APS did not petition the court for guardianship or conservatorship as required by statute.***

Schmidt alleged if APS felt that he needed a guardianship or conservatorship APS should have petitioned the court for such, pursuant to A.R.S. § 46-452.

Price states that Schmidt is correct regarding the statute, but in practice she has never seen APS actually file a petition. Price states:

While Bill is correct that the statute indicates that APS will petition the court if they believe a guardianship or conservatorship is necessary, the reality is that it never happens in practice. In 11 years of practice, I have never seen APS actually file a petition as provided for in the statute.

Investigator Siddall spoke with Rosa Parker at APS and asked if APS ever petitions the court for guardianship or conservatorship. Ms. Parker indicated that normally when APS gets a case, they will assess the situation; if it is possible that the person(s) are in need of a guardian/conservator APS will make a referral to a fiduciary.

***Allegation 2. Prior to appointment Price spent 1.2 hours at nursing home with Schmidt's wife and charged the estate on itemized bill after appointment.***

Schmidt asserts that Price spent 1.2 hours with Valerie, prior to her death, and charged the estate.

On July 2, 2013, Investigator Siddall submitted an email inquiry to Price for additional information regarding a copy of the itemized billing.

On July 17, 2013, Price responded to Investigator Siddall by email. Price states:

You should already have a copy of the itemized billing in your file as it was included as an exhibit to my final account in this case but I have attached it here in case you do not have. As already indicated in my two previous responses, I did in fact visit Valerie in the hospital and the purpose was because we were preparing petition for emergency appointment as guardian and conservator. We were prepared to file the petition on the day she died. Charging for my time associated with this was not only appropriate but necessary given that Mr. Schmidt had left his wife lying on a living room floor for many weeks and was clearly not capable of providing for her care. Given that she passed away and her portion of the community estate passed to Mr. Schmidt (and given our intent was to file petitions on BOTH spouses as evidenced by the bill attached), it was entirely appropriate for the fees to be paid from his estate. It should be noted that the court has approved those fees.

***Allegation 3. Price misused Schmidt's finances and assets.***

Schmidt asserts:

I spent the next year and a half with a 750.00 allowance per month and no access to my financial assets, trying to hire a lawyer to end this insanity but by the time I

succeeded my financial nest egg had just about been completely stolen, Misused and stripped from me without my knowledge.

Price states:

Bill makes reference in the complaint about the fact that believes that I somehow accessed his “inherited” accounts prior to being appointed as his conservator. This, of course, is inaccurate as I would have had no way or legal authority to gain access to any of Bill or Valerie’s accounts. The reality is that Bill accessed the Bank of America account which he established. There were a total of four (4) bank accounts of Bank of America. There was one account which was in Valerie’s name and listed Bill as the POA. This is the account that Bill references accessing in Exhibits 6 & 7. Bill then opened an account in his name only where it is believed he transferred the majority of the assets from the account in which he was listed as Valerie’s POA. There was joint account in both Bill and Valerie’s name. Lastly, there was certificate of deposit. As you can see from the bank records for Account No. XXXXX in Bill’s name only dated April 21, 2010 through May 18, 2010, Bill was depositing funds in this account, presumably from the other Bank of American account. He was also spending significant amounts of money (as referenced multiple times in my notes from Exhibits 1-8) on items such as new flooring (Bill had all the carpet removed and wood flooring placed in the living room), all new living room furniture and a large flat screen TV, stand and sound system as evidenced by the debit card transaction to Best Buy on April 26, 2010 in the amount of \$3,226.16 from Account No. XXXXX

Price provided her case notes dated March 16, 2010, which states in part:

Bill was fine. had been cleaning house. Made reference to taking out 2k in cck to pay bills. Said he got access with a poa? not sure what he is referring to. sounds like he may have accessed the BofA accounts. Said he opened a savings account at WFB and “out here” not sure where he is referring.

Price provided email report to Dr. Sarff dated March 17, 2010, which states in part:

Have you had a chance to meet with Bill yet? His phone has now been turned off and he is obsessively cleaning the house (or trying at least). He told me yesterday that he took money out of some bank accounts and opened new accounts although he couldn’t tell me what banks he removed the money from or where he opened the new accounts.

Price provided case notes dated March 18, 2010, which states in part:

I asked Bill about the funds he took out of the WFB account. He said that he had CCK made to pay the bills. He showed me what bills he paid...he paid all of his outstanding bills EXCEPT his mortgage and car payment...He will now not be able

to pay it until he gets Valerie's death certificates so he can access the BofA funds because he left himself with only about 1300 in his WFB account.

Price provided the bank statements for Bank of America, Wells Fargo, and copies of the CD deposit receipt.

To demonstrate Schmidt was actively utilizing funds, Price provided a phone report dated April 26, 2010, which in part confirmed Schmidt had secured new flooring and had bought and arranged for the delivery of new furniture.

***Allegation 4. Abuse of power by Price.***

Schmidt asserts:

...Befor (sp) I had a clue what was really going on I was givin (sp) a 800.00 dollar public defender and standing in front of a judge who was giving some entity the right to take control of my money, my personal property, and my health all in the name of deafness. Deafness does in no way shape or form constitute me as an incompetent retard but by the time court was over and the dust had settle is when I read on court documents what exactly was being done to me.

Price provided documentation wherein Schmidt's had an understanding of the guardianship/conservatorship petition. Price provided the Report of Investigator filed with the court on May 20, 2010 which states in part:

...William stated that he was aware of the pending guardianship and conservatorship of which he is the subject, that he had received the official court documents relating to the matter, that he understood those documents and that he had no objections to the appointment of Entrust Fiduciary Services as his guardian and conservator. He correctly stated the meaning of a guardianship and conservatorship. His reason for agreeing to the appointment of a guardian and conservator to assist him was that he has had memory problems and serious depression in the past and believes that he would benefit greatly by the appointment...

Price provided her case notes dated March 23, 2010, which states in part:

...I talked to him about the conservatorship and explained to him that I think he needs help keeping the house and his bills straight. He said that he agreed and really needed that help. I told him that I would need to go through the court system for that but that I didn't want to do anything he didn't agree to. He said it was fine with him and that he knew I wouldn't do anything against him and then started talking about donating Valerie's clothing to hospice. He had clearly been drinking and I am not really sure if he understood what I was trying to tell him.

Price provided her email notes dated April 26, 2010, which states in part:

...I met with Bill again last week and we talked about the conservatorship. He asked appropriate questions about a hearing and having an attorney. He agreed to allow me to move forward with the conservatorship...

Price provided the medical report completed by Dr. Len Sarff dated April 27, 2010, which states in part:

...He was unwilling to participate in neuropsychological testing for competency that we needed in order to understand his ability to comprehend what was going on around him and to try and get a baseline. In fact he became quite angry when it was suggested. From the observation that I have been able to observe and the fact that on four of the five visits I made he appeared too be drunk, and his speech was slurred and sometimes incoherent. There appears to be enough evidence to say that he is unable to make sound and informed decisions for himself regarding important, financial, and general medical issues. Given the impact that ETOH has on his cognitive functioning and his increased risk of being taken advantage of by others especially at time of acute distress he would benefit from the appointment of a Limited Guardianship in order to facilitate financial and general medical decisions for him. I would recommend that as much as possible he be allowed to assist and be brought into the discussion on these issues, but that the limited Guardian be given the final say in the decision-making process.

Price provided a letter addressed to Schmidt dated May 6, 2010, which outlines the guardianship and conservatorship process.

***Allegation 5. Schmidt believes his deceased wife's Valerie accounts were depleted before her death.***

Schmidt asserts:

William suspects Valeries accts where depleted by Lisa Price with knowledge received at Williams deceased wife's bed during her visit and with access to William and Valerie's home computers prior to her death and before William Schmidts surprise court ordered conservatorship controlled by Lisa Price.

Schmidt provided copies the Bank of America statements showing him as POA and POD. All accounts are at zero balance.

Prices states:

...Bill obtained the funds directly from Bank of America himself and opened a new account in his sole name where those funds were transferred and deposited.

Price provided case notes from March 10, 2010, which outlined the conversation she had with Valerie. The case notes do not reflect Price speaking with Valerie about any bank accounts or any bills other than the following:

Neither Bill or Valerie speak nicely about each other at all. They both blame the other for all of the problems they are having with money. When I asked her why she didn't pay the mortgage she told me it was because Bill brought a gun and didn't tell her and so when she went to pay the mortgage there was not enough money in the account. This story did not seem plausible given the amount of income that Bill receives. She said that she was on the floor for a full month before she went to the hospital.

Price also provided email report to Dr. Sarff regarding evaluation of Valerie. Price talks about spending time with Schmidt, the condition of their home, their financial situation. Price does indicate in the email report that based on bank records, Valerie stopped paying their bills sometime after the first of December.

***Allegation 6. Price took two home computers from Schmidt's house and Schmidt's attorney, Amanda Taylor ("Taylor") asked for the 2 computers to be returned, no response from Price.***

Schmidt asserts Price took two computers from his home and when asked by Taylor to have them returned Price did not respond.

Price states:

At no time did I or my staff ever remove any computers from Bill's home. There was one home computer in the garage at a desk where Valerie apparently worked and one in the dining room area of the home.

Price provided a memorandum to Taylor regarding receipt of distribution, recording the Order of Terminating the Guardianship and Conservatorship, and changing his direct deposits. Price does states in memorandum the following:

Additionally, my office has never had possession of any of Bills' personal property or his automobile; those items remain in his possession.

Price also provided an email report to Taylor dated November 28, 2011, wherein Price states:

My office was never in possession of Bill's computer. He had one computer in his dining room and one in his garage. The last time I was in his home (which was many months ago as he would not let me in any longer) they were both in his possession. My office never removed any personal property from Bill's home.



***Allegation 7. Price paid for Schmidt's license plate and registration, even though he is a disabled veteran.***

Schmidt asserts he is a disabled veteran and as such he does not pay for his license plate and registration.

Price states:

Bill's complaint references a payment in the amount of \$253.00 for plate and registration charges. Entrust paid these fees directly out of its corporate account as the payment was processed online. The order from the court approving the accounting references the payment charged on March 3, 2011 as it was mistaken double billing in the records for Entrust and was included in the billing statements in January 2011. The exemption applies only to veterans with a 100% disability rating from Department of Veteran's Services; I have nothing in my file to indicate that Bill has a 100% disability rating.

Price provided in her response to the original complaint a report from the investigator regarding the matter of guardianship and conservatorship for William G. Schmidt, filed with the court on May 20, 2013. In the report it states in part:

He states that due to his PTSD, which was undiagnosed for many years, he experienced problems at work and depression which resulted in his moving from job to job often. In his late 50's to early 60's the problem was identified and he was declared fully disabled by Social Security and the Veterans Administration.

On April 30, 2013, Investigator Siddall submitted an email inquiry to Price for additional information regarding the above report and to explain any attempts to verify this disability prior to paying for the plate and registration.

On May 22, 2013, Price responded to Investigator Siddall by email stating she needed more specifics regarding this question.

On July 2, 2013, Investigator Siddall submitted an email attaching the Report of Investigator and quoting the investigator.

On July 17, 2013, Price responded to Investigator Siddall by email. Price states:

The plates were paid because that is the bill that was received from the Department of Motor Vehicles. It was my understanding that when an application was made showing 100% disability to the DMV, that information was retained in their system and the driver was billed accordingly. Additionally, as evidenced by the order attached to the last email sent to you, the court already addressed this issue in its order for the final account as it did not approve that expense.

Investigator Siddall contacted DMV and inquired on the process of the billing and being 100% disable veteran. DMV stated that a bill would be send to the veteran and they would need to send in an Award Letter from either Veterans Administration or from Social Security Administration and then the bill will be modified. DMV stated they would send out the bill each year and each year the veteran would need to send the Award Letter.

***Allegation 8. Price paid pass due credit cards Schmidt owed on which were settled for a lesser amount.***

Schmidt asserts Price paid \$4,453.00 in charges for pass due credit cards that were settled for a lesser amount.

Schmidt provided pages 3, 4, and 5 of a credit report which was run on February 2, 2012.

Price states:

Bill states that I should be made to reimburse \$4,453.00 in credit card payments but does not indicate why those fees should be repaid. Valerie and Bill had accumulated significant financial debt and all credit cards were past due and needed to be paid as valid debts of the estate.

***Allegation 9. Price paid for labor for landscaping that was never done.***

Schmidt asserts:

\$825.00 in charges paid to Pablo Esquivel for labor landscaping he allegedly did with plants and tons of gravel his invoice suggested (sp) he used. Exactly where did those supplies come from, purchase from and by who? To my knowledge a record of these items do not exist and William had him leave his property minutes after his arrival concerned Pablo was here in the states illegally.

Schmidt provided a copy of the check issued to Pablo Esquivel by Price, copies of the statements dated May 3, 2010, May 5, 2010, May 6, 2010, May 7 and 8, 2010, and May 29 through June 5, 2010. Statements were made out to Entrust Fiduciary Services Inc. Schmidt signed the statements and on the May 7 and 8 statement it is hand written forged signature. The statement from May 29 through June 5, 2010 has the signature of Schmidt, but hand written on the receipt it states “not authorized, will not pay”.

Price states:

Bill has requested repayment of \$825.00 paid to Pablo Esquivel for landscaping services. Pablo Esquivel is one of Bill’s neighbors and Bill contracted with his brother, Angel Herrera, to perform yard maintenance, as evidenced by the receipts signed by Bill for the services. Our office had concerns about Angel performing the work as he did not want any payments made to himself but to his brother and he was not licensed and bonded so we took steps to prevent him from performing

any work on the property and hired a professional cleaning/yard maintenance service (Scrub and Clean) to perform the work.

Price provided a phone report dated July 13, 2010 which states:

Angel Herrera, 247-4153, no answer, left voicemail to call back.

Angel called back. I informed him that because I told him to do no more work on the house until I approved and he did more work that he was not allowed at Mr. Schmidt's house again. I also informed him that I knew he had received payment (sp) from Mr. Schmidt which I had previously informed Angel was not allowed. He said he was going to go to Mr. Schmidt's house 1 more time. I said if he did I would call the police.

***Allegation 10. Price did not pay Schmidt's bills for September, October, or November 2011.***

Schmidt asserts Price did not pay his bills in September, October or November and he got stuck for double-triple payments.

Price states:

In the handwritten notes in the accounting, Bill indicates that I did not pay any bills in September, October or November 2011. In June 2011, the Department of Veteran's Services determined that Bill was competent and he should have been receiving his retirement pay from that point forward. On September 26, 2011 my office spoke with Bill and informed him of the fact that he needed to contact the Veteran's Administration because they were no longer sending his income to my office and he needed to make arrangements to receive it directly. This apparently was still not done as November 2, 2011 as Bill's attorney, Amanda Taylor, reported to me that he was out of funds.

Bill also includes hand written notes on the bank statements from Wells Fargo Bank which were provided to him from this office dated May 22, 2010 to June 21, 2010. The notes make reference to the location of his retirement income. As you can see by the copy of the Wells Fargo Bank checking account no. XXXX0789 (which was Bill's personal account), the income deposits for the VA were deposited into his account on June 1, 2010. The Arizona State Retirement pension was deposited into this account from June 1, 2010 through August 1, 2010 and the Boeing pension was deposited into this account from June 1, 2010 through September 1, 2010.

Price provided the Department of Veterans Affairs (DVA) decision regarding his VA benefits. The letter was addressed to Entrust Fid Services Conservator of William G Schmidt. The letter was date stamped "Received June 17, 2011". DVA decided Schmidt was considered competent.

involved in the process. Additionally, it is not my role to transfer any assets back to Mr. Schmidt's account nor would the VA have let me. The VA made the determination to ignore my letters of authority and would not allow me to make any determination as to the status of the funds. They sent the funds directly to Mr. Schmidt. If Mr. Schmidt was competent and if Mr. Schmidt contacted the VA himself to have such a finding made, I am not sure why your assumption is that it is my responsibility to assist him with this as all parties believed he was competent to handle his affairs on his own.

In addition, Price states:

If the order to terminate the conservatorship was not yet signed, I am not sure I understand why your assumption would be that the transition of bills and income would occur BEFORE that date as I was still the conservator and no finding had been entered by the court that Mr. Schmidt was no longer in need of a conservator. Additionally, at that point we were under the belief that Mr. Schmidt was receiving his VA benefits as the VA had stopped issuing those funds to our office in June. Mr. Schmidt was insistent that he did not want us involved in his affairs and that he was taking care of his own bills..

On July 13, 2011, Price petition to terminate guardianship and conservatorship and on November 4, 2011 the Court approved the termination.

On October 14, 2011, Price sent a memorandum to Taylor regarding Receipt of Distribution. Also, Price indicates that Schmidt will need to contact the Veteran's Administration, Social Security Administration, Boeing, and Arizona State Retirement System to change his direct deposit. Price stated that if the funds are deposited into the conservatorship account prior to the closure of the account, she would issue a check to Schmidt for those proceeds. Price also indicated that all utilities auto debits were cancelled and once the account is closed those bills will go unpaid.

It appears from the October 14, 2011, memorandum that Price received Schmidt's Arizona State Retirement, his Boeing pension and his Social Security for September and October; however, the only two bills EFS paid during these months were century link and DirecTV. Although Price continued to be appointed, Price and EFS failed to pay the mortgage which would have been due on or around September 26<sup>th</sup>, the southwest gas bill which would have been due on or around September 8<sup>th</sup>, the water and sewer bill which would have been due on or around September 31<sup>st</sup>, the APS bill which would have been due on or around September 16<sup>th</sup>, and the Qwest bill which would have been due on or around September 16<sup>th</sup>. Price did not send the distribution of the cash proceeds until October 14<sup>th</sup>. Price paid the bills for September but not for October and the November bills should have been paid by Schmidt. Therefore, part of allegation 10 is substantiated

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#### **ANALYSIS OF ALLEGATIONS:**

***Allegation 1. APS did not petition the court for guardianship or conservatorship as required by statute.***

APS acted under its own authority and therefore allegation 1 is not substantiated.

***Allegation 2. Prior to appointment Price spent 1.2 hours at nursing home with Schmidt's wife and charged the estate on itemized bill after appointment.***

ARS § 14-5414 (A) reads:

If not otherwise compensated for services rendered, any investigator, accountant, lawyer, physician, registered nurse, psychologist or conservator who is appointed in a protective proceeding, including a lawyer of the person alleged to be in need of protection pursuant to section 14-5407, subsection B, is entitled to reasonable compensation from the estate of the protected person if the petition is granted or from the petitioner if the petition is denied.

Price states she did spend time with Valerie for the purpose of preparing for an emergency petition of guardianship and conservatorship. Price states the petition was to be filed on the day Valerie passed away. Since Price never petitioned the Court for appointment on Valerie, it was not appropriate for the fees to be paid out of the estate for compensation for Price's time with Valerie, therefore, allegation 2 is substantiated.

***Allegation 3. Price misused Schmidt's finances and assets.***

Schmidt asserts his financial nest egg was stolen, misused and stripped from him without his knowledge. Price believed Schmidt was accessing the Bank of America accounts and used the POA for the account held in Valerie's name only. Schmidt opened an account in his name only and deposited most of the assets from Valerie's account into that account. Schmidt was also depositing monies into the certificate of deposit account.

During the investigation no evidence was presented to demonstrate Price had accessed Schmidt's bank accounts prior to Price's appointment, and therefore, allegation 3 is not substantiated.

***Allegation 4. Abuse of power by Price.***

Arizona Code of Judicial Administration ("ACJA") § 7-202(J)(1) reads:

Decision Making. The Fiduciary shall exercise extreme care and diligence when making decisions on behalf of a ward or protected person. The fiduciary shall make all decisions in a manner that promotes the civil rights and liberties of the ward or protected person and maximizes independence and self-reliance.

During the investigation it was determined that Schmidt was aware and understood what a guardianship and conservatorship was and that Schmidt was willing to have Price petition

the court. In the Court Investigator's Report, which was filed by an independent investigator who works for the courts, Schmidt correctly defined the definitions of guardianship and conservatorship. Schmidt understood why he needed a guardianship and conservatorship. The letter Price wrote and hand-delivered to Schmidt on May 6, 2010 clearly spelled out the process. Therefore, allegation 4 is not substantiated.

***Allegation 5. Schmidt believes his deceased wife's Valerie accounts were depleted before her death.***

Price had no legal authority to access any of the bank accounts in either Valerie's name or Schmidt's name prior to Price's appointment. Schmidt had the Power of Attorney and the Power on Delivery for Valerie's account. No evidence was discovered that Price depleted Valerie's accounts, and therefore Allegation 5 is not substantiated.

***Allegation 6. Price took two home computers from Schmidt's house and Schmidt's attorney, Amanda Taylor ("Taylor") asked for the 2 computers to be returned, no response from Price.***

ACJA § 7-201(J)(4)(b) reads:

On appointment, the fiduciary shall take reasonable steps to marshal and secure the property and income of the protected person's estate as soon as possible. The fiduciary shall provide stewardship of the property for safekeeping and, at a minimum, record pictorially and establish and maintain accurate records of all real and personal property.

Price indicates in two separate correspondence to Taylor that her or her staff never had possession of any of Schmidt's' personal property or computers. Therefore, allegation 6 is not substantiated.

***Allegation 7. Price paid for Schmidt's license plate and registration, even though he is a disabled veteran.***

ACJA § 7-201(J)(4)(h) reads:

The fiduciary shall ensure the protected person is receiving all medical and financial benefits to which the protected person may be entitled.

Price states the exemption only applies to veterans with a 100% disability rating from the Department of Veteran's Services. Price had nothing in her file to indicate that Schmidt was 100% disabled. Prices' understanding is that when an application is made to DMV, they would record it as such and bill the driver accordingly. DMV does send a bill every year and it is up to the person to provide DMV with an Award Letter from Department of Veteran's Services or Social Security Administration.

During the investigation information was received from the Report of the Investigator filed with the court on May 20, 2010, that Schmidt was declared fully disabled by Social Security and the Veterans Administration.

Price should have known of Schmidt's eligibility and sought out all the benefits Schmidt was entitled to under the Department of Veteran's Services or Social Security Administration. This failure does not rise to the level of a code violation and therefore, allegation 7 is not substantiated.

***Allegation 8. Price paid pass due credit cards Schmidt owed on which were settled for a lesser amount.***

ACJA § 7-201(J)(4)(d) reads:

The fiduciary shall manage the income of the estate with the primary goal of providing for the needs of the protected person, and in certain cases, the needs of the dependents of the protected person for support and maintenance.

Price states that the credit cards were past due and needed to be paid as valid debt of the estate. All the credit card debt was incurred prior to Prices appointment. Three of the credit card debts were settled for less than the full amount of debt according to the Schedule 12 of the Final Accounting. Allegation 8 is not substantiated.

***Allegation 9. Price paid for labor for landscaping that was never done.***

Schmidt indicates he did not authorize for any landscaping to be done by Pablo Esquivel. Schmidt provided five statements totaling \$885.00, and each statement was made out to Entrust Fiduciary Services, Inc. and signed by Schmidt. On one of the statements it is hand written with "forged signature"; however, Investigator Siddall compared all 5 signatures of Schmidt and determined they all seemed similar.

Price states that Pablo Esquivel is Schmidt's neighbor and Schmidt had contracted with Pablo's brother Angel to perform yard maintenance. Price had concerns about Angel performing work as he did not want payments made to himself but through his brother Pablo and Angel was not bonded and licensed. Price took steps to prevent Angel from performing any further work for Schmidt and hired a professional service to perform the cleaning and yard maintenance. Therefore, allegation 9 is not substantiated.

***Allegation 10. Price did not pay Schmidt's bills for September, October, or November 2011.***

ACJA § 7-201(J)(4)(d) reads:

The fiduciary shall manage the income of the estate with the primary goal of providing for the needs of the protected person, and in certain cases, the needs of the dependents of the protected person for support and maintenance.

In June of 2011, the Department of Veterans Affairs issued a finding that Schmidt was competent and was to start receiving his retirement pay directly. This decision was addressed to and mailed to Entrust Fid Services Conservator of William G Schmidt. In September 2011, Price's office had a telephone conversation with Schmidt and notified Schmidt that he should have been receiving his VA pay.

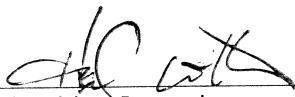
On September 26, 2011, Price's office contacted Schmidt and informed him that he needed to contact the Veteran's Administration because they were no longer sending the VA income to Price.

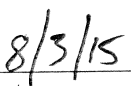
On October 14, 2011, Price sent a memorandum to Taylor regarding Receipt of Distribution. Also, Price indicates that Schmidt will need to contact the Veteran's Administration, Social Security Administration, Boeing, and Arizona State Retirement System to change his direct deposit. Price stated that if the funds are deposited into the conservatorship account prior to the closure of the account, she would issue a check to Schmidt for those proceeds. Price also indicated that all utilities autodebits were cancelled and once the account is closed those bills will go unpaid.

On July 13, 2011, Price petition to terminate guardianship and conservatorship and on November 4, 2011 the Court approved the termination.

It appears from the October 14, 2011, memorandum that Price received Schmidt's Arizona State Retirement, his Boeing pension and his Social Security for September and October; however, the only two bills EFS paid during these months were Century Link and DirecTV. Although Price continued to be appointed, Price and EFS failed to pay the mortgage which would have been due on or around September 26<sup>th</sup>, the southwest gas bill which would have been due on or around September 8<sup>th</sup>, the water and sewer bill which would have been due on or around September 31<sup>st</sup>, the APS bill which would have been due on or around September 16<sup>th</sup>, and the Qwest bill which would have been due on or around September 16<sup>th</sup>. Price did not send the distribution of the cash proceeds until October 14<sup>th</sup>. Price paid the bills for September but not for October and the November bills should have been paid by Schmidt. Therefore, allegation 10 is substantiated.

**SUBMITTED BY:**

  
Hal White, Investigator  
Certification and Licensing Division

  
Date

**REVIEWED BY:**




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**DECISION OF THE PROBABLE CAUSE EVALUATOR:**

Having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint number 12-0004, the Probable Cause Evaluator:



☐ requests division staff to investigate further.

☒ determines probable cause does not exist the certificate holder has committed the alleged acts of misconduct as to Allegation(s):

# 1, 3, 4, 5, 6, 7, 8, & 9.

☒ determines probable cause exists the certificate holder committed the alleged acts of misconduct as to Allegation(s):

# 2 & 10.

Mike Baumstark

Date

Probable Cause Evaluator

**ARIZONA SUPREME COURT  
ADMINISTRATIVE OFFICE OF THE COURTS  
ORDER OF THE BOARD**

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|   |                                     |                                     |
|---|-------------------------------------|-------------------------------------|
| <b>CERTIFICATE<br/>HOLDER<br/>INFORMATION</b> | <b>Certificate Holder:</b>          | Lisa Price                          |
|   | <b>Certificate Number:</b>          | 20210                               |
|   | <b>Business Name:</b>               | Entrust Fiduciary Services,<br>Inc. |
|   | <b>Certificate Number:</b>          | 20545                               |
|   | <b>Type of Certificate/License:</b> | Fiduciary                           |

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**RECOMMENDATION**


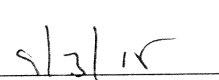
It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Lisa Price has not committed the alleged act(s) of misconduct as detailed in Allegations 1, 3, 4, 5, 6, 7, 8, and 9 of the Investigation Summary and Allegation Analysis Report in complaint number 12-0004.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Lisa Price has committed the alleged act(s) of misconduct as detailed in Allegations 2, and 10 of the Investigation Summary and Allegation Analysis Report in complaint number 12-0004.

It is further recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving: (i) A.R.S. § 14-5414 by causing herself to be paid for services related to the possible appointment as a fiduciary for Valarie Schmidt when she was not appointed; and (ii) ACJA § 7-201(J)(4)(d) for failure to properly manage the ward's estate after he was declared competent by Veteran's Affairs but before she was removed/released as the fiduciary by the Superior Court.

It is recommended that the Board issue a Letter of Concern.

**SUBMITTED BY:**

Mark Wilson, Division Director      Date  
Certification and Licensing Division

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**FINAL DECISION AND ORDER:**

The Board having reviewed the above Investigation Summary, Allegation Analysis Report, finding of the Probable Cause Evaluator, and Recommendation regarding complaint number 12-0004 and Lisa Price., certificate number 20210, makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and enters the following order:

☐ requests division staff to investigate further.

☐ refers the complaint to another entity with jurisdiction.

Referral to: \_\_\_\_\_

☐ dismisses the complaint, and:

☐ requests division staff prepare a notice of dismissal pursuant to ACJA § 7-201(H)(5)(c)(1).

☐ requests division staff prepare a notice of dismissal and an Advisory Letter pursuant to ACJA § 7-201(H)(5)(c)(2).

☐ determines grounds for discipline exist demonstrating the certificate holder committed the alleged act(s) of misconduct and:

☐ enter a finding the alleged act(s) of misconduct or violation(s) be resolved through informal discipline, pursuant to ACJA § 7-201(H)(7) and issue a Letter of Concern.

☐ enter a finding the alleged act(s) of misconduct or violation(s) be resolved through formal disciplinary proceeding, pursuant to ACJA § 7-201(H)(9).

☐ requests the certificate holder appear before the Board to participate in a Formal Interview, pursuant to ACJA § 7-201(H)(8).

☐ orders the filing of Notice of Formal Charges, pursuant to ACJA § 7-201(H)(10).

☐ enters a finding the public health, safety or welfare is at risk, requires emergency action, and orders the immediate emergency suspension of the certificate and sets an expedited hearing for:

Date, Time, and Location: \_\_\_\_\_

☒ adopts the recommendations of the Division Director.

[ ] does not adopt the recommendations of the Division Director and orders:

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Deborah Primock, Chair  
Fiduciary Board

11/10/15  
/ Date

Y:\COMPLAINT INVESTIGATIONS\OPEN COMPLAINTS\FID ENTRUST FIDUCIARY SERVICES, INC. 12-0004\CASE  
SUMMARY 12-0004.DOCX



# Supreme Court

STATE OF ARIZONA  
ADMINISTRATIVE OFFICE OF THE COURTS

November 5, 2015

Scott Bales  
Chief Justice

David K. Byers  
Administrative Director  
of the Courts

Lisa Price  
Entrust Fiduciary Services, Inc.  
Post Office Box 2110  
Higley, AZ 85236

**RE: LETTER OF CONCERN - Complaint Number 12-0004**

Dear Ms. Price:

On November 5, 2015, the Fiduciary Board ("Board"), pursuant to the Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a), (H)(7), and (H)(24)(a)(6)(a):

1. Reviewed the attached Investigation Summary, Probable Cause Evaluation Report, and Recommendation;
2. Entered a finding grounds for discipline exist in this complaint;
3. Ordered resolution of the complaint through an informal disciplinary sanction; and,
4. Entered the enclosed Order to issue this Letter of Concern as to Allegations 2 and 10 only.

ACJA § 7-201(H)(24)(b)(2) provides:

*A letter of concern is a written informal discipline sanction and is not appealable. A certificate holder may file a response to the letter of concern no later than fifteen days after the date of the letter of concern. The certificate holder's response is public and division staff shall file the response in the complaint file.*

If you choose to submit a written response, please address it to the Board. Pursuant to ACJA § 7-201(H)(1)(g) and (H)(24)(b)(2), this Letter of Concern and your response are not confidential.

Sincerely,

Deborah Primock, Chair  
Fiduciary Board  
Enclosures